

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**RICHARD L. DOBESH,**

**Defendant.**

**CASE NO. 8:11CR42**

# MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's objection (Filing No. 25) to the Magistrate Judge's order (Filing No. 23) denying the Defendant's motion for disclosure of a confidential informant (Filing No. 13). The Court has considered the government's response (Filing No. 28).

Under 28 U.S.C. § 636(b)(1)(A) and NECrimR 59.2, the Court has reviewed the order to which the Defendant objects. A district court may set aside any part of the magistrate judge's order, on a non-dispositive matter, shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A).

The record is incomplete, as the Defendant has not ordered a transcript of the hearing regarding the motion for disclosure held before Magistrate Judge F.A. Gossett. Based on the available record and Eighth Circuit law,<sup>1</sup> the Court cannot conclude that Judge Gossett's order is clearly erroneous or contrary to law.

<sup>1</sup>The Defendant's argument is replete with citations to other circuits, in particular the Ninth and Fifth Circuits. As the Eighth Circuit and the Supreme Court have decided cases involving the issues in question, the Court finds additional case law superfluous.

IT IS ORDERED:

1. The Defendant's objection (Filing No. 25) to the Magistrate Judge's order is denied; and
2. The Magistrate Judge's order (Filing No. 23) denying the Defendant's motion for disclosure of a confidential informant (Filing No. 13) is affirmed.

DATED this 19<sup>th</sup> day of January, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge